

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
BOSTON, MASSACHUSETTS.

ALEXANDER. A. CYENUGA

PETITIONER - Pro-se

CASE NUMBERS
05-1410 F (2)
NEWORLEANS, LA

05 cv 10170 PBS
BOSTON. MA

Vs.

JOHN ASHCROFT, et al.,

RESPONDENTS.

AMMENDED MOTION FOR CHANGE
OF VENUE.

PETITIONER, ALEXANDER A. OYENUGA, Pro-se
 RESPECTFULLY BRINGS TO THE ATTENTION OF
 THIS HONORABLE COURT RECENT CHANGES
 BROUGHT ABOUT BY THE APPLICATION OF
 AMMENDMENTS BY SECTIONS 101 AND 106 OF
 THE REAL I.D ACT OF 2005.

THE IMPOSITION OF THE MANDATES CONTAINED
 IN THE REAL I.D. ACT PUTS THE JURISDICTION
 OF ISSUES PERTAINING TO DETENTION IN THE
 U.S. DISTRICT COURTS. PETITIONER'S OTHER CLAIMS
 HAVE BEEN TRANSFERRED TO THE U.S. COURT OF
 APPEALS FOR THE FIRST CIRCUIT, IN BOSTON
 MASSACHUSETTS - - - See EXHIBIT 1 [ORDER
 FROM THE U.S DISTRICT COURT FOR THE EASTERN
 DISTRICT OF NEW ORLEANS LOUISIANA.]

IN THE ORDER TO TRANSFER, THE ISSUING
 COURT IN LOUISIANA, ALSO ORDERED THAT
 THE STAY ORDER GRANTED THE PETITIONER BY
 THIS HONORABLE COURT BE TRANSFERRED TO THE
 UNITED STATES COURT OF APPEALS FOR THE FIRST
 CIRCUIT, IN BOSTON MASSACHUSETTS. SAID STAY
 ORDER WAS ISSUED TO ENJOIN THE I.C.E
 FROM DEPORTING THE PETITIONER WHILE IN
 DETENTION IN LOUISIANA.

THE I.C.E. IN NEWORLEANS LACKS PERSONAM JURISDICTION SINCE DEPORTATION HAS BEEN STAYED. IN FACT, BASED ON THESE RECENT DEVELOPMENTS, IF ANY AGENCY HAS JURISDICTION OVER THE PETITIONER, THAT WOULD BE THE I.C.E. IN BOSTON, MASSACHUSETTS.

SINCE VENUE HAS BEEN CHANGED TO BOSTON, MASSACHUSETTS - - - - SEE EXHIBIT 1. UNITED STATES DISTRICT COURT JUDGES ORDER FROM NEW-ORLEANS, STATING IN PERTINENT PART THAT "DYENUGA'S ACTION FOR CHANGE OF VENUE (Rec. Doc. NO. 4) IS DISMISSED AS MOOT IN LIGHT OF THIS ORDER.

WHILE THE APPEALS COURT FOR THE FIRST CIRCUIT IN BOSTON NOW HAS JURISDICTION OVER STATUTORY AND CONSTITUTIONAL CHALLENGES IN PETITIONER'S HABEAS PETITION, THE DISTRICT COURT IN BOSTON CONVERSELY HAS JURISDICTION TO ADDRESS ISSUES PERTAINING TO PETITIONER'S DETENTION UNDER THE REAL ID ACT OF 2005. IN THE INTEREST OF JUDICIAL ECONOMY, THE PETITIONER'S "BODY" AS WELL AS THE DETENTION ISSUES SHOULD BE TRANSFERRED BACK TO THE U.S. DISTRICT COURT FOR THE

DISTRICT OF MASSACHUSETTS.

FOR THE DETENTION MATTERS ADDRESSED IN PETITIONER'S HABEAS CORPUS TO REMAIN IN THE U.S. DISTRICT COURT IN NEW ORLEANS, WHILE THE STAY HAS BEEN TRANSFERRED TO BOSTON ALONG WITH THE COLLATERAL ATTACK IN THE REMOVAL ORDER AS WELL AS THE STATUTORY AND CONSTITUTIONAL CHALLENGES WOULD NOT BE CONSISTENT WITH THE LAW.

AS PREVIOUSLY ADVANCED BY THE PETITIONER, PERSONAL MATTER JURISDICTION RESTS IN THIS COURT. SEE - PETITIONER'S MOTION FOR CHANGE OF VENUE. THE STAY OF REMOVAL ISSUED BY THIS HONORABLE COURT AND WHICH IS NOW TRANSFERRED TO THE U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT, OBVIATES THE NEED FOR PETITIONER'S CONTINUED DETENTION IN NEW ORLEANS BECAUSE THE 90 DAYS REMOVAL PERIOD HAS NOT BEGUN; SEE *Bijani v. INS.* AT BEST PETITIONER'S DETENTION ISSUES BELONG IN THIS COURT.

PETITIONER, PRAYS THIS HONORABLE COURT TO ASSUME JURISDICTION OF THE ISSUES PERTAINING TO DETENTION WITHIN HIS HABEAS PETITION AND ORDER THE PETITIONER TRANSFERRED TO THE

CUSTODY OF I.C.E. IN BOSTON MASSACHUSETTS.
 IN THE ALTERNATIVE THIS COURT CAN ORDER
 PETITIONER'S IMMEDIATE RELEASE FROM
 CONFINEMENT PENDING THE OUTCOME OF THE
 REVIEW BEING UNDERTAKEN AT THE U.S. COURT
 OF APPEALS FOR THE 1ST. CIRCUIT. IN BOSTON
 MASSACHUSETTS. FOR DISCUSSION OF PETITIONERS
 REQUEST FOR RELEASE, SEE EXHIBIT # 3 - - -
 MOTION FOR PRELIMINARY INJUNCTION

SERVICE

FOR CASES TRANSFERRED FOR REVIEW AT THE
 U.S. COURT OF APPEALS IN GENERAL THE RES-
 PONDENT IS THE U.S. ATTORNEY GENERAL.
 PETITIONERS INITIAL SUBMISSIONS TO THIS COURT
 NAMED AS THE PROPER RESPONDENT, THE U.S.
 ATTORNEY GENERAL, JOHN ASHCROFT WHEN IT
 WAS TRANSFERRED BACK TO NEW ORLEANS FOR
 LACK OF PERSONAL MATTER JURISDICTION.
 THE REAL I.D. ACT OF 2005 AMENDMENT OF
 SEC. 242 OF INA DECLARES THE U.S. ATTORNEY
 GENERAL AS THE PROPER RESPONDENT, AND
 THE UNITED STATES DISTRICT COURT FOR THE
 DISTRICT OF MASSACHUSETTS AS THE APPROPRIATE VENUE.

PRAYER

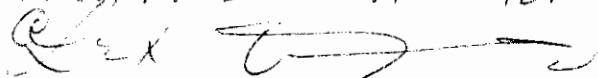
FOR THE FOREGOING AND GOOD CAUSE SHOWN,
 PETITIONER RESPECTFULLY ASKS THIS HONORABLE COURT
 IN THE NAME OF GOD TO GRANT THIS MOTION
 FOR CHANGE OF VENUE SINCE IT HAS BEEN
 RENDERED MOOT IN THE U.S. DISTRICT COURT
 IN NEW ORLEANS BASED ON THE TRANSFER
 OF THE STAY ISSUED BY THIS COURT BEING
 MOVED TO MASSACHUSETTS ALSO NAMING
 THE I.C.E. IN BOSTON AS PETITIONERS
 PROPER AGENCY RESPONSIBLE FOR DETENTION.

AFFIRMATION

I AFFIRM UNDER THE PENALTY OF PAIN AND PERJURY
 THAT THE ABOVE MENTIONED ARE TRUE TO THE BEST
 OF MY KNOWLEDGE

DATED: JUNE 16TH 2005: RESPECTFULLY SUBMITTED

ALEXANDER A. OYENUGA

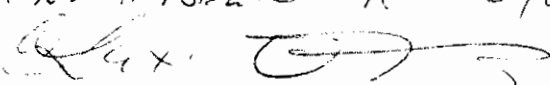


P.P.D.C. 116 PRISON ROAD.

BRAITHWAITE, LA. 70046

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I CAUSED TO BE
SERVED A TRUE COPY OF THE ABOVE DOCUMENT
UPON: FRANK CROWLEY - SPECIAL ASST. U.S. ATTORNEY
D.H.S. - OFFICE OF THE CHIEF COUNSEL
P.O. BOX 8728 - JFK STATION
BOSTON, MASS. 02114
BY MAILING 1ST CLASS POSTAGE PREPAID
ON THIS THE 16TH DAY OF JUNE 2005

ALEXANDER A. OYENUGA

P.P.D.C. 116 PRISON ROAD
L RAITHWAITE, LA. 70040